

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 1:24-cv-20546**

WINSTON MARACALLO,

Plaintiff,

v.

CUSANO AIR CONDITIONING & HEATING, INC.
and JOHN E. CUSANO,

Defendants.

DEFENDANTS' RESPONSE TO PLAINTIFF'S STATEMENT OF CLAIM

Defendants, Cusano Air Conditioning & Heating, Inc. and John E. Cusano, (collectively "Co-Defendants"), hereby file their Response to the Statement of Claim filed by Plaintiff Winston Maracallo ("Plaintiff" or "Maracallo") on March 1, 2024 [DE 12]. Defendants respond to Plaintiff's claims below:

1. Defendant John E. Cusano denies that he employed Plaintiff and, therefore, denies that he is personally liable for any of the alleged unpaid overtime wages or total liquidated damages in Plaintiff's Statement of Claim.

2. For the relevant period, Co-Defendants have provided Plaintiff's pay date, regular hours, regular pay, overtime hours, overtime pay and net pay in the chart attached as "Exhibit A."

3. Defendant Cusano Air Conditioning & Heating, Inc. does not dispute Plaintiff's allegations regarding his regular rate of pay and overtime rate of pay but denies that Plaintiff worked the regular and overtime hours he alleges for each pay period in the Statement of Claim. Defendant Cusano Air Conditioning & Heating, Inc. also denies that Plaintiff is entitled to liquidated damages.

4. Co-Defendants further object to Plaintiff's alleged attorneys' hours, fees and costs given the stage and lack of complexity of the instant lawsuit.

Dated: April 12, 2024

Respectfully submitted,

By: /s/ Charles S. Caulkins
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CERTIFICATE OF SERVICE

I hereby certify that on **April 12, 2024**, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Charles S. Caulkins
Charles S. Caulkins

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